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EXAMINER	
LINDSEY, MATTHEW S	

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2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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ATTACHMENT TO ADVISORY ACTION

1. Claims 1-39 have been finally rejected, for the reasons stated below the rejection is maintained.

Response to Arguments

2. Applicant's arguments, see pg 3, Argument 1) features of claim 1 not taught by Dureau, filed 01 July 2008 have been fully considered but they are not persuasive.

Applicant argued: "Dureau merely discloses a proxy receiver transcodes and processes received content in a manner which makes the content compatible and receivable by receiving devices. However, the receiving devices will process any received content without knowing if the function changing is actually completed, for example, if the proxy receiver malfunctions and does not perform any function changing or a proxy receiver installed in the system does not include the capability of performing any function changing" (pg 3, line 25 - pg 4, line 4). Examiner respectfully disagrees, Dureau disclosed: "Alternatively, if transcoding is required, a determination is made as to whether or not the target format is supported (decision block 610). *If the target format is not supported, the data is not conveyed to the target device* (block 616). In such a case the action taken may include simply ignoring the data, conveying a message to a viewer that the format is not supported, providing the viewer an opportunity to automatically request conveyance of software which supports the required transcoding

operation, or any other suitable action. *If the target format is supported, the data is transcoded (block 612) and conveyed* (block 614)" ([0047], lines 12-21, emphasis added). If the target format is not supported, the proxy receiver does not transmit the data. The rejection stated: "transcoding takes place before conveying, hence by conveying the information it is inherent that function changing, or transcoding, is complete" (Final Rejection, 01 May 2008, pg 4, lines 11-13). It is inherent that by conveying the information, function changing is complete because conveying the information occurs after transcoding. If the target format is not supported, the data is not conveyed. If there is a malfunction the data would not be conveyed, because transcoding occurs before transmission of the data.

Applicant further argues: "The claimed invention includes informing the receiever that the function change is complete and not that the connection is initialized" (pg 4, lines 11-13). Examiner respectfully disagrees, the claim language used: "on completion of the function changing, transmits a function change completion signal to the data reception apparatus indicating the function changing is complete and transmission of data is possible" (Claim 1, lines 20-22). The rejection stated: "it is well known that when initializing a connection in TCP communications a three way handshake is used with a SYN packet to initialize connection, indicating transmission is possible" (Final Rejection, 01 May 2008, pg 4, lines 14-16). A SYN packet is used to initialize connections, and therefore is a signal that transmission is possible. In Dureau the data is sent after it is transcoded (see Dureau, [0047], lines 12-21). When the data is sent, it has already been transcoded so therefore when initializing the connection to the receiving

apparatus, the proxy receiver (which has performed the transcoding) sends a function change completion signal, in the form of a SYN packet from the three way handshake, indicating transmission is possible.

3. Applicant's arguments, see pg 4, Argument 2) features of claims 5 and 36 not taught by Dureau, filed 01 July 2008 have been fully considered but they are not persuasive.

Applicant argues: “Dureau does not teach, suggest, or have an inherent disclosure of a decryption section to decrypt data received from the data reception apparatus...wherein, based on an occasion the data transmission apparatus receives a high-frequency signal which is not encrypted from the data reception apparatus, the high-frequency signal is converted to a data packet and the decryption section confirms that the data packet was not encrypted and does not subject the data packet to decryption” (pg 5, lines 20-25).

Examiner respectfully disagrees, Dureau disclosed: "a decryption section to decrypt data received from the data reception apparatus ([0026], lines 3-6, where data can be encrypted, and thus a decryption section is required to function)...wherein, based on an occasion the data transmission apparatus receives a high-frequency signal ([0034], lines 4-7, where a video camera is configured to transmit a 900MHz signal, or a tablet may be configured to transmit and receive data in the 2.4GHz range) which is not encrypted from the data reception apparatus ([0034], lines 10-12, where HTTP support is included and HTTP is an unencrypted protocol, hence HTTP data packets are not

encrypted), the high-frequency signal is converted to a data packet ([0034], lines 5-15, where communicating with a device in the 2.4GHz range is possible, and the signals will be converted to data packets because the receiving proxy must convert the signal into a packet to read the transmitted data) and the decryption section confirms that the data packet was not encrypted ([0034], lines 10-12, where the devices may support HTTP, an unencrypted protocol, or SSL, an encrypted protocol, and in order to function properly packets must be analyzed to determine if they are encrypted or not encrypted) and does not subject the data packet to decryption ([0034], lines 10-12, where HTTP packets are not subject to decryption because doing so would not yield the correct data and communication would not be possible. HTTP packets are not encrypted; hence decryption of an unencrypted packet would not produce the correct data)". The rejection stated: "encrypted, such as HTTP, and it is inherent to function that the receiver will not subject packets arriving through unencrypted protocols to decryption" (Final Rejection, 01 May 2008, pg 6, lines 6-7). It is inherent *to function* that a receiver will not subject packets arriving through unencrypted protocols to decryption. The result of decrypting an unencrypted packet would be corrupted data, thus it is *inherent to function* that data arriving on unencrypted protocols will not be decrypted.

4. Applicant's arguments, see pg 6, Argument 3) features of claims 32 and 38 not taught by Dureau, filed 01 July 2008 have been fully considered but they are not persuasive.

Applicant argues: "Dureau system uses the proxy receiver as an intermediate device which corrects the format where the receiving devices and the broadcast station do not directly communicating with each other using a protocol that conforms to the protocol of the receiving devices" (pg 6, last line - pg 7, line 3).

Examiner respectfully disagrees, while it is true the receiving device 12, of Dureau can be configured to act as a proxy for other receiving devices, it is not required. Dureau disclosed: "Receiving device 12 may comprise any number of suitable devices, examples of such devices include a set-top box (STB), a television (TV)" ([0023], lines 4-6). Furthermore, the receiving device can be embodied in a television, as evidenced by [0006], lines 1-4. Therefore, the receiving device may communicate directly with the broadcast station using a protocol that conforms to the protocol of the receiving device.

5. Applicant's arguments, see pg 7, Argument 2b) features of claim 25 not taught by Dureau, filed 01 July 2008 have been fully considered but they are not persuasive. See above for similar reasons as set forth in response to arguments in reference to claim 5.

6. Applicant's arguments, see pg 7, Argument 3b) features of claim 23 not taught by Dureau, filed 01 July 2008 have been fully considered but they are not persuasive. See above for similar reasons as set forth in response to arguments in reference to claim 32.

7. Applicant's arguments, see pg 8, Dependent claims allowable, filed 01 July 2008 have been fully considered but they are not persuasive. See above for similar reasons as set forth in response to arguments in reference to independent claims 1, 5, 23, 25, 32 and 38.

All arguments have been addressed; therefore all rejections are hereby maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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MSL
7/16/2008

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151